



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Alexander Mesmer
Beveridge & Diamond
1350 I Street, N.W.
Washington, DC 20005

MAR 12 2020

Re: Freedom of Information Act Request (EPA-HQ-2020-002833)

Dear Mr. Mesmer:

This transmittal is in response to your FOIA Request EPA-HQ-2020-002833, submitted February 06, 2020. You requested a copy of all semi-annual compliance reports for the July 1 to December 31, 2019 period submitted by Columbian Chemicals Company to the EPA in relation to its 1) Hickok, Kansas and 2) North Bend, Louisiana facilities pursuant to the Consent Decree entered by the court on June 1, 2018.

The Agency has completed its response to your request. Your request is denied.

There is one document that is responsive to your request (the requested semi-annual report). The Agency is withholding it in full, pursuant to 5 U.S.C. § 552(b)(4), as the document contains a claim of confidential business information.

CBI Determination Process

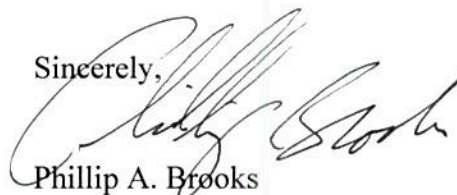
As noted above, the Agency has determined that some information responsive to your request may contain trade secrets or commercial or financial information which is exempt from disclosure under 5 U.S.C. § 552(b)(4). Pursuant to 40 C.F.R. § 2.204(d)(1), your request is initially denied with respect to these portions of records, and the EPA must undergo a confidential business determination to determine whether or not the initially withheld information may be disclosed. If you are interested in the EPA pursuing this confidential business information determination, please request a determination within 90 calendar days from the date of this letter. The EPA will consult with the third parties in connection with their business confidentiality claims and then issue a final determination. You may request a determination through any of the channels described below for communicating an appeal, or you may do so in the same communication as an appeal.

Appeal Information

This information is being made available to you under the provisions of the Freedom of Information Act, 5 U.S.C. 552, as amended, and Agency regulation, 40 CFR Part 2, as amended. This letter concludes our response to your request. If you would like to pursue a confidentiality determination for information initially withheld under 5 U.S.C. § 552(b)(4), or any other issue, you may appeal this response by email at hq.foia@epa.gov, or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

If you have any questions regarding this response, please contact Kellie Ortega at (202) 564-5529.

Sincerely,



Phillip A. Brooks
Director
Air Enforcement Division